



United States Bankruptcy Court Northern District of Indiana

Court Information Manual

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General Court Information

Northern District of Indiana

Section 94 of Title 28, United States Code, establishes the federal judicial districts for the state of Indiana. The Northern District of Indiana is comprised of the 32 counties in the northern third of the state. There are three geographic divisions within the Northern District of Indiana. The divisions and the counties within each division of the bankruptcy court for this district are as follow:

Hammond at Gary

Hammond at Lafayette

South Bend

Fort Wayne

Lake

Benton

Cass

Adams

Porter

Carroll

Elkhart

Allen

Jasper

Fulton

Blackford

Newton

Kosciusko

DeKalb

Tippecanoe

LaPorte

Grant

Warren

Marshall

Huntington

White

Miami

Jay

Pulaski

LaGrange

St. Joseph

Noble

Starke

Steuben

Wabash

Wells

Whitley

Office Locations

Bankruptcy Court

The office of the clerk of the bankruptcy court maintains staffed offices in three locations, Fort Wayne, South Bend and Gary. Initial case and proceeding filings only are also accepted for by the clerk of the district court in Lafayette. All records from the Hammond Division at Lafayette are maintained at Fort Wayne. After the initial filing to commence a case or proceeding in Lafayette, all further papers should be filed with the office of the bankruptcy clerk in Fort Wayne. Offices locations and telephone numbers are listed below:

Fort Wayne

Room 1188 Federal Building
1300 South Harrison Street
Fort Wayne, Indiana 48802
(219) 420-5100 Phone
(219) 422-1668 Fax

South Bend

Robert K. Rodibaugh United States Bankruptcy Courthouse
401 South Michigan Street
PO Box 7003
South Bend, Indiana 46634-7003
(219) 236-8247 Phone
(219) 236-8886 Fax

Lafayette

214 Charles A. Halleck Federal Building, Room 214
232 North Fourth Street
Lafayette, Indiana 47902-1498
(317) 742-0512

Gary

Federal Building
Room 221

610 Connecticut Street
Gary, Indiana 46402-2595
(219) 881-3335 Phone
(219) 881-3307 Fax

Files and dockets for open bankruptcy cases and adversary proceedings are maintained at the divisional office where the judge assigned to the matter is resident.

United States Trustee

The Office of the United States trustee is the component agency of the United States Department of Justice which supervises the administration of chapter 7, 11, 12 and 13 bankruptcy cases and trustees pursuant to 28 U.S.C. 586(a)(3). The United States Trustee Program is responsible for monitoring the progress of bankruptcy cases and preventing fraud, dishonesty, and overreaching in the bankruptcy arena.

The country is divided into twenty-one administration regions, each of which is administered by a United States Trustee. Region 10 is comprised of the Northern and Southern Districts of Indiana and the Central and Southern Districts of Illinois. The Office of the United States Trustee for the Northern District of Indiana is located in South Bend. This office services all divisions of the bankruptcy court for the Northern District of Indiana. The office address and telephone numbers for the United States Trustee are as follow:

Office of the United States Trustee
Alexander L. Edgar, Assistant U.S. Trustee
555 One Michiana Square
100 East Wayne Street
South Bend, Indiana 46601
Telephone: (219) 236-8105
Fax: (219) 236-8163

Office Hours

Normal Business Hours

Public office hours in the Fort Wayne, South Bend and Gary offices are from 9:00 A.M. through 4:00 P.M. Monday through Friday. Public hours in Lafayette are 9:00 A.M. to 12:00 P.M. and 1:00 P.M. to 4:00 P.M. During the portion of the year when Daylight Savings Time is in effect (the last Sunday of October through the first Sunday of April), there are two time zones in the district. The counties that change time include: Lake, Porter, La Porte, Newton, and Jasper. All times listed are the local time in each office.

Emergencies

All offices permit emergency filings outside of regular business hours. However, if you anticipate having an emergency filing, you must call the office where you are going to file no later than 4:00 P.M. on that day to arrange for court staff to be available to receive the filing.

Case Numbering System

Since all bankruptcy cases and adversary proceedings are assigned unique numbers, by referring to the cause number you may determine the division where the case is pending and the judge assigned to the matter. The format of the numbering system is as follows:

A two-digit indicator of the year the case was filed:

A hyphen and the individualized bankruptcy case or adversary proceeding number;

Another hyphen and the initials of the assigned judge.

The individualized case number assigned to each case is different for each division within the Northern District of Indiana. Case and proceeding numbers in each division are assigned beginning with "1" each January.

Fort Wayne Division

bankruptcy case numbers begin at 10001, adversary proceeding numbers begin at 1001;

South Bend Division

bankruptcy case numbers begin at 30001, adversary proceeding numbers begin at 3001;

Hammond Division at Lafayette

bankruptcy case numbers begin at 40001, adversary proceeding numbers begin at 4001;

Hammond Division at Gary

bankruptcy case numbers begin at 60001, adversary proceeding numbers begin at 6001.

For example, the case number of the first bankruptcy case filed in the Fort Wayne Division and assigned to Judge Grant during 1996 would be 96-10001-REG. The case number for the seventh case in 1995 from the Hammond Division at Gary which was assigned to Judge Lindquist would be 95-60007-KL. The third adversary proceeding in the South Bend Division in 1995 where the assigned judge is Judge Dees would carry the number 95-3003-HCD.

Requests for Case Information

You may obtain information about bankruptcy cases and adversary proceedings by visiting the clerk's office during normal business hours to review court records. These hours are listed above. Case and adversary proceeding information may also be obtained by means of a touch-tone telephone from the Voice Case Information System (VCIS) available from the court. Additional information concerning this service is found in the "Telephone Inquiries" section, below. Information is also available on the Public Access to Court Electronic Records (PACER) system to those registered users using a personal computer and a modem. Additional information concerning this service is found in the "Telephone Inquiries" section, below. A search fee will be charged for any request for case information that is available on VCIS or PACER.

Case Files

Open Bankruptcy Cases and Open Adversary Proceedings

All files and records in open cases and proceedings are maintained by the bankruptcy clerk's office in the location where the assigned judge is resident. Since there is no staffed bankruptcy clerk's office in Lafayette, and the assigned judge is resident in Fort Wayne, all case and proceeding files and records for the Hammond Division at Lafayette are maintained in Fort Wayne.

File Check Out

A person desiring to view a bankruptcy case file or an adversary proceeding file must complete a file check-out log at the intake counter. FILES MAY NOT BE TAKEN OUT OF THE PUBLIC AREA OF THE CLERK'S OFFICE FOR ANY REASON. Papers in the file should not be removed, rearranged or altered in any way. The unauthorized removal, destruction, mutilation or obliteration of any file or document filed in the custody of the bankruptcy clerk constitutes a felony under Title 18, section 2071(a) of the United States Code. The penalty for a violation of this section includes a fine, up to 3 years in prison, or both. [See also 18 U.S.C. 3571.]

Closed Bankruptcy Cases, Closed Adversary Proceedings and Completed Appeals

All closed case and proceeding files and all completed appeals are maintained by the divisional office where the open case or proceeding was pending. Closed cases or proceedings that were filed in one of the two years immediately preceding the present year are retained in the office where they were pending. All other cases and proceedings are sent to the Federal Records Center (FRC or "archives") in Chicago, Illinois.

If you want to review documents or obtain copies from a closed case or proceeding you have two options. You may have the clerk's office recall the file from the FRC so that you may review the documents at the clerk's office. The clerk's office is required to collect a records retrieval fee for this service. Or you may contact the FRC and schedule an appointment to review the documents at the FRC. In contacting the FRC you will be asked to supply accession, box and location numbers. This information is available from the bankruptcy clerk's office. The clerk's office is required to collect a search fee before looking up this information. You may contact the Federal Records Center at 7358 South Pulaski Road, Chicago, Illinois 60629, (312) 581-7816.

As of the date this manual was written, the fee for recalling a closed file from the FRC is \$25.00. The search fee is \$15.00. These fees are payable at the time the requests are made. Since all fees are subject to change, you should check with the clerk's office for the current fees.

Requests for Transcripts

All requests for transcripts should be made through the court reporter. The courtroom deputy, resident deputy-in-charge, or office supervisors can give you the name of the court reporter. Fed. R. Bankr. P. 8006 requires that you deliver to the court reporter, and file with the bankruptcy clerk, a written request for a transcript which will be part of any record on appeal.

Telephone Inquiries

There are three ways in which information may be obtained by means of the telephone. You may use your touch-tone telephone to get basic case information from VCIS. Registered users may use a computer and modem to access the court maintained PACER data base of case information. Or you may speak with a court employee.

VCIS

The Voice Case Information System (VCIS) of the court permits you to dial the court's computer from any touch-tone telephone and obtain basic case information. By entering only the name of a party in a case, or a case number, facts about all open cases and proceedings are available. Information from closed cases or proceedings that were filed in one of the two years immediately preceding the date of your call that are retained in the office where they were pending are also available on VCIS. There is no cost for the use of VCIS. All basic case information typically is available in less than two minutes. You may request information on up to five (5) cases per call.

VCIS Availability and Cost

The VCIS service is available seven days a week. This service will not be available during brief daily periods while system back up and updates occur. Backups and information updates normally occur between the hours of 10:30 P.M. and 7:30 A.M. daily. These are local South Bend times. Call (219) 236-8814 or 1 (800) 755-8393 to reach the VCIS. Other than long distance telephone toll charges which may apply, there is no cost to use the VCIS.

Case Information Available on VCIS

Bankruptcy case information available on VCIS includes the: case number; debtor or party name in court records; whether the case was filed as a voluntary or involuntary case; current case chapter; original chapter; case filing date; whether the case was filed as a business or consumer case; case conversion information where applicable; whether or not there appear to be assets in the case; the name of the attorney for debtor; the name of the trustee assigned; the judge assigned to the case; case status as of a given date; 341 meeting date, time and location; the claims filing deadline; the date a discharge was granted; the date the case was closed; the date the case was reopened; the date the case was reclosed; the disposition method; and how to contact the attorney for debtor for additional information.

Proceeding Information Available on VCIS

Adversary or miscellaneous proceeding information available on VCIS includes: the case number; the names of the parties; the name of the attorney for plaintiff; the judge assigned to the case; the status of the proceeding as of a given date; the date the proceeding was closed; the date the proceeding was reopened; the date the proceeding was reclosed; the disposition method; and how to contact the attorney for plaintiff for additional information.

If you have any questions concerning VCIS, please contact our systems staff at (219) 236-8247.

PACER

The Public Access to Court Electronic Records (PACER) system allows you to use a computer terminal or a personal computer and a modem to connect to a special public information computer. Using PACER you directly access official case information for review, or retrieve information to your personal computer.

Case Information Available on PACER

The information available through PACER includes: a daily case report of new bankruptcy filings; the official registry of claims for a case (updated weekly); docket entries in a case (these may be viewed either in full, or only selected portions); and access to summary information for cases that have been closed for over one year. Information from closed cases or proceedings that were filed in one of the two years immediately preceding the present year that are retained in the office where they were pending are also available on PACER.

Using PACER

Except during periods of system maintenance and when information is being updated, the PACER system is available seven days a week. PACER will not be available during these periods. System maintenance occurs between the hours of 11:00 P.M. and 4:00 A.M. Monday through Friday, and between 3:00 P.M. on Sunday through 4:00 A.M. on Monday. These are local South Bend times.

To gain access to PACER you must first become a registered user. Registered users will be assigned a login ID and password. Once registered, you may obtain authorization to access any court where the PACER system is in use. After establishing your connection with the PACER system at the court, a

listing of options available to you will be displayed. You select the information you need from the available options.

To become a registered user, or if you have any questions about this system, contact the PACER Service Center at 1 (800) 676-6856. You may also contact the PACER Service Center by fax at (210) 308-3763. The PACER Service Center handles all PACER registrations and establishes all accounts. The court in the Northern District of Indiana has no control over these matters.

PACER Costs

Effective April 18, 1995, the fee for use of the PACER system is 75 per minute of access time. (There may also be long distance telephone charges that apply.) Itemized statements will be sent to each registered user quarterly. Payment in full of the billed amount is due each quarter or further access to the system will be restricted until outstanding balances are cleared.

After becoming a registered user, if you have any questions concerning the use of, or problems with, the PACER system in the Northern District of Indiana, you may contact our systems staff by voice telephone at (219) 236-8247.

Court Staff

Basic information which court staff may retrieve for you without a search fee includes: (1) whether a particular debtor has filed a bankruptcy petition and the date of filing (when exact name of debtor is provided by requestor); (2) name of debtor (when case number is provided); (3) the debtor's social security number; (4) whether the case is voluntary or involuntary; (5) what chapter a case was originally filed under; (6) the name of the debtor's attorney; (7) the name of the trustee; (8) the status of the case generally (i.e., open or closed). A search fee will be charged for any request which requires a physical search of court records. A search fee will be charged for any request for case information from a court employee that is available on VCIS or PACER automated systems.

Telephone inquiries for information will be responded to by bankruptcy court staff in Fort Wayne, South Bend or Gary between the hours of 9:00 A.M. and 4:00 P.M. Monday through Friday. These are local times in each city. Any telephone requests for information for which a search fee is required will not be honored until the proper fee is received by the clerk's office.

Legal Assistance

Many things may happen in connection with a bankruptcy case or adversary proceeding that could affect your rights. However, please do not call the clerk's office for legal assistance. Deputy clerks are not attorneys. State law, Indiana Code 33-1-5-1, and Federal law, 28 U.S.C. 955, prohibit deputy clerks from practicing law. Likewise, the Office of the United States Trustee staff are prohibited from providing legal assistance to the public. Please contact your own attorney for legal advice and assistance.

Financial Matters

The clerk's office is required to collect filing and other fees. These fees are set by Congress and the Judicial Conference of the United States as authorized by law. The clerk's office has no control over the amount of fees or what actions require the payment of a fee. Payment may be made by cash, check or money order. Personal or business checks from debtor's cannot be accepted. The clerk's office has limited ability to make change for cash payments. If you plan on paying with cash, we request that you have exact change.

All fees are subject to change.

It is the responsibility of the person filing a document or requesting a service to determine whether these fees have been changed. All fees are due at the time of filing or at the time the service is provided. All checks should be made payable to "Clerk, U.S. Bankruptcy Court"

There is no provision for a pauper's affidavit (proceedings in forma pauperis) in this bankruptcy court. All required fees must be paid as specified by law. [28 U.S.C. 1930(a)]. The following listing of fees was current as of the date of this handbook. Contact the clerk's office for information concerning current fees.

Filing Fees (These fees are subject to change.)

Chapter 7 petition \$130.00* [28 U.S.C. 1930(a)(1)]

Chapter 9 petition \$300.00 [28 U.S.C. 1930(a)(2)]

Chapter 11 petition \$800.00 [28 U.S.C. 1930(a)(3)]

Chapter 11 petition (railroad) \$1,000.00 [28 U.S.C. 1930(a)(4)]

Chapter 12 petition \$200.00 [28 U.S.C. 1930(a)(5)]

Chapter 13 petition \$130.00* [28 U.S.C. 1930(a)(1)]

* Cases filed under chapters 7 and 13 also require the payment of a \$30.00 administrative fee at the time of filing. The total amount required to commence a chapter 13 case is \$160.00.

Cases filed under chapter 7 on and after October 22, 1995 are required to pay a \$15.00 trustee surcharge. This amount is in addition to the \$30.00 administrative fee collected at the time of filing. The total amount required to commence a chapter 7 case on and after 10/22/95 is \$175.00.

Additional Fees (These fees are subject to change.)

Except as noted, the following additional fees are found in the Judicial Conference Schedule of Bankruptcy Fees. This schedule is promulgated by the Judicial Conference of the United States under the authority of 28 U.S.C. 1930(b). References below are to item numbers contained in the Schedule of Fees.

Photocopies 50 per page [Item 1].

Certification or exemplification of any paper or document \$5.00 per certification [Item 2].

Reproduction of sound recordings \$15.00 [Item 3].

Amendments to schedules or lists of creditors after notice to creditors \$20.00 [Item 4].

Search of records \$15.00 per name or item searched [Item 5].

Adversary filing fee \$120.00 [Item 6].

This fee is waived where a debtor is the plaintiff. There is no waiver where the plaintiff is a debtor in possession in a chapter 11 case.

Indexing any paper not in a case for which a filing fee has been paid.

(Includes the registration of judgments from other districts.) \$20.00 [Item 7].

Noticing fee \$30.00 or 50 per notice [Item 8].

Trustee fee surcharge \$15.00 # [Items 8.1 and 8.2].

Notice of appeal in Act cases \$5.00 [Item 9, 28 U.S.C. 1930(c)].

Notice of appeal in Code cases \$5.00 [28 U.S.C. 1917].

Clerical processing of claims in excess of 10 25 each [Item 10].

Retrieval of a record from archives \$25.00 [Item 13].

Returned checks \$25.00 [Item 14].

Mailing labels \$5.00 per page [Item 15].

Docketing an appeal \$100.00 [Item 16].

Filing a petition ancillary to a foreign proceeding under 11 U.S.C. 304 \$500.00 [Item 17].

Clerk's Registry Fee

The formula for computing this fee changes from time to time. Contact the clerk's office concerning the current fee. [Item 19].

Dividing a joint case into separate cases at the request of debtors:

one-half the current filing fee for the chapter under which the joint case was commenced [Item 20].

Motion fees:

to lift, modify or condition the automatic stay \$60.00* [Item 21].

to withdraw reference \$60.00 [Item 21].

to compel abandonment \$60.00 [Item 21].

Cross appeal docketing fee \$100.00 [Item 22].

Electronic access to court data 75 per minute [Item 23].

Reopening Filing Fee:

The fees prescribed by 28 U.S.C. 1930(a) must be collected when a bankruptcy case is reopened, unless the reopening is to correct an administrative error or for actions related to the debtor's discharge. If a bankruptcy case is reopened for any other purpose, the appropriate fee to be charged is the same as the filing fee in effect for commencing a new case on the date of reopening. Where a chapter 7 or a chapter 13 case is reopened, the \$30 administrative fee is not collected. Where a bankruptcy case is reopened to add creditors, a fee of \$20.00 is assessed. The added creditor fee is in addition to the reopening filing fee.

Conversion fee from chapters 7 or 13 to chapter 11 \$400.00 [28 U.S.C. 1930(a)(6)].

A search fee is required for any search of court records performed by court staff for information available on VCIS or PACER.

In cases filed on and after December 1, 1992 under chapters 7 or 13, a \$30.00 fee is collected at the time of filing. Cases under chapters 9, 11 or 12 filed after December 1, 1992, and all chapter 7 and 13 cases filed prior to December 1, 1992 are charged 50 per notice.

The trustee fee surcharge is paid by the petitioner upon the filing of a petition under chapter 7, or by the debtor upon filing of a notice of conversion of a chapter 12 or chapter 13 case to chapter 7, or by the movant upon any motion for conversion of a case to chapter 7.

* A motion for relief from the automatic stay against a debtor requires payment of a \$60 fee. There is no fee for a motion for relief from a co-debtor stay pursuant to 11 U.S.C. 1201 or 1301.

Check Policy

All checks and drafts should be in the exact amount due. Checks and drafts in excess of the amount due will not be accepted. All checks and drafts are accepted subject to collection, and full credit will only be given when the check or draft has been accepted by the institution on which it was drawn. No personal or business checks from debtors will be accepted while their case is pending. [N.D. Ind. L.B.R. B-106(a)].

Returned Checks

Where the clerk's office writes a receipt for any check or draft that is returned for any reason, including but not limited to insufficient funds or closed account, no further checks or drafts will be accepted from the party unless the clerk is directed by the judge, after written application by the party in each instance, to accept checks. [N.D. Ind. L.B.R. B-106(b)]. There is a \$25.00 service charge assessed on each returned checks. [Jud. Conf. Schedule of Bankruptcy Fees, Item (14)]. The amount of all returned checks and service charges must be paid in full before applying to have checks accepted.

Registry Account

Monies held by the clerk pursuant to an order of the court are placed into the clerk's registry account. If the funds are to be placed into an interest bearing account per 28 U.S.C. 2041 and Fed. R. Bankr. P. 7067, the order must indicate: the amount to be invested; the name of the financial institution where the funds are to be invested; the type of account or instrument; and the terms of the investment. [N.D. Ind. L.R. 67.1 and N.D. Ind. L.B.R. B-2]. If the amount of any deposit is in excess of the amount covered by federal deposit insurance, special arrangements must be made to obtain proper collateralization of the financial institution before the funds are turned over to the clerk. Please contact the clerk's office for further instructions.

General Filing Requirements

Paper Size

All papers submitted for filing must be on 8" x 11" (letter size) paper [N.D. Ind. L.B.R. B-505.1]. Legal size paper, 8" x 14," will require substitution. [Per the Judicial Conference of the United States, September 1981].

Bankruptcy Petition Forms

Bankruptcy petition forms may be obtained at most office supply stores. Neither the Bankruptcy Court nor the Office of the United States Trustee provides these forms.

Format Requirements

(a) All pleadings and papers should be typed and should not be materially defaced by erasures and interlineation. Amendment of any document by interlineation (striking out words and noting the correction in the margins or between lines) is not permitted. [N.D. Ind. L.B.R. B-109].

- (b) Use only one side of a page. All pages must be consecutively numbered. Except for quoted material, each page should be double spaced. Pages should be pre-punched with two holes at the top with sufficient top margin so that neither the caption nor text is destroyed.
- (c) The caption of all pleadings, motions, notices, orders and other papers must be in strict conformity with the requirements of Official Form 16A or 16B (or Official Form 16C for adversary proceedings). The caption must contain the chapter under which the case is pending, the debtor's name, and case number (including the initials of the bankruptcy judge to whom the case has been assigned).
- (d) When describing the residence or place of business of the debtor in the petition, schedules or statements, the complete post office address, including the full street address and zip code, must be included. The name of the county of the debtor's residence must be included on the petition.
- (e) The names of all creditors must be listed alphabetically in each schedule. A complete post office address must be listed for each creditor. A complete address includes the street number and zip code. Where the petitioner is unable to find the address of a creditor, the schedule must state "unknown."
- (f) All questions on the Statement of Financial Affairs must be answered. Where the proper response to a question is "no" or "none" the appropriate box must be marked. Questions may not be skipped. Ditto marks may not be used when completing the schedules and statements.
- (g) A cover sheet is required when filing an adversary proceeding and for all appeals to the district court or to the court of appeals.

Number of Copies to File

Except for the petition and schedules, the proof of claim and papers required to be served by the clerk on the United States trustee you should submit an original and one (1) copy of documents presented for filing. The original and the copy will be retained by the clerk's office. Any additional copies submitted may be returned to you.

The documents which the clerk will serve on the United States trustee include the petition, schedules, lists and statements and all amendments to these documents. Other documents include: notices of conversion from chapters 12 or 13 to chapter 7; final report and list of unpaid debts at time of conversion; chapter 12 or 13 plan and any modifications; notices of appeal; notices of motions to sell; applications to compromise; and summary of chapter 7 final report.

The proof of claim should be filed in triplicate. The original and one copy will be retained by the clerk's office. The third copy will be returned to the creditor if a stamped, self-addressed envelope is provided. For the number of copies of the petition and schedules, refer to the Bankruptcy Case Requirements section, below.

Where to File

All documents required to commence a case or proceeding must be filed at the office of the clerk in the division of the district where the principal place of business, residence or domicile of the debtor is located for the period of time required by 28 U.S.C. 1408. All papers filed after the commencement of the case or proceeding must be filed with the office of the clerk in the division where the case file is maintained. For the Hammond Division at Lafayette, after the commencement of the case or proceeding, all papers should be filed with the Fort Wayne bankruptcy clerk's office.

All papers, including the original petition for relief, are to be filed with the bankruptcy clerk's office. In order to prevent confusion papers should not be filed directly with the judge assigned to the case. A courtesy copy of a document may be left with chambers, although this is not required. Even in the event of an emergency, or something the judge is expecting, it should be filed with the clerk. In an

emergency chambers will be contacted and, if necessary, the pleading or other paper will be hand-carried to the judge by clerk's office staff.

Return of File Stamped Copies

To receive a time-stamped copy of any document filed with the clerk you must include an extra copy for this purpose. This copy is in addition to the copies required by the court. If you are filing by mail, you must also include a self-addressed envelope, of proper size with correct postage affixed. [N.D. Ind. L.B.R. B-505.2(e)].

Amendment of Documents

Notice of Amendment Required

All amendments to the voluntary petition, lists, schedules or statements must comply with Fed. R. Bankr. P. 1009. Each amendment must be accompanied by a separate notice of amendment. The notice of amendment must identify the document amended, the purpose of the amendment and any entity affected by the amendment. [N.D. Ind. L.B.R. B-109(a)]. Each amendment must be verified and signed as in the original document. The entire document which the amendment affects must be reproduced, with the amended information highlighted or underlined on all copies. Amendment by interlineation is not permitted. Each amendment must be numerically identified. The debtor is required to serve a copy of the notice of amendment and the amended petition, schedule, list or statement on the parties specified in the local rules of the court. [N.D. Ind. L.B.R. B-109]. A certificate of service must be filed with the court.

Amendments to Schedules or Lists of Creditors

A \$20.00 filing fee is required for all amendments to the schedules or lists of creditors that are filed after the notice of 341 meeting has been mailed to creditors. [Jud. Conf. Bankruptcy Fee Schedule Item (4)]. No action will be taken on amended schedules or lists unless the filing fee is paid, and the notice of amendment and certificate of service are filed. [N.D. Ind. L.B.R. B-505.2(c) and B-913.5(d)]. Examples of amendments which require a fee include: adding creditors, deleting creditors, changing the amount specified as being owed to a creditor and changing the classification of a debt.

Filing by FAX

Under Fed. R. Civ. P. 5(e) and Fed. R. Bankr. P. 7005 the court has been authorized to adopt local rules allowing filings by facsimile or other electronic means. N.D. Ind. L.B.R. B-505.2(f) permits the court, by general order, to authorize filing by facsimile transmission. General Order 94-1, dated September 21, 1994, permits facsimile filings subject to enumerated guidelines. These are summarized below.

To be acceptable, a facsimile filing must be accompanied by a cover sheet. The cover sheet must include: the court in which the pleading is filed; the type of action; case title information; case number identification; title of document; sender's name, address, telephone number and facsimile number; number of pages transmitted; and the date and time of transmission. A facsimile transmission fee will be assessed by the clerk's office at the time the fax is received. At the date this manual was prepared, the fax charge is 50 per page, not including the cover page. This fee is subject to change.

Facsimile transmissions received by the clerk's office during regular business hours will be filed-marked as of the date and time of receipt. Regular business hours are from 9:00 A.M. through 4:00 P.M. (local courthouse location time) from Monday through Friday. Facsimile transmissions received after the close of regular business hours or on a Saturday, Sunday or legal holiday, or on a day on which weather or other conditions have made the clerk's office inaccessible will be file-marked as of the next date and time the clerk's office opens for public business.

The party transmitting a document by facsimile is required to tender the originally signed papers to the clerk's office within eight (8) days following the facsimile transmission. Filing is complete only upon the receipt of the originally signed document and the payment of any fee assessed. The failure to timely submit original documents or pay any fee assessed may result in the facsimile filing being stricken without further order or notice. You should refer to the text of General Order 94-1 for additional details concerning facsimile filing requirements.

Notices

In this district the responsibility for giving proper notice to all parties belongs to the entity requesting relief. [N.D. Ind. L.B.R. B-913.2]. Any entity filing any document or pleading which requires notice to be given to creditors and parties in interest has the burden of providing notice as required by due process and filing a certificate of such service. [N.D. Ind. L.B.R. B-913.5]. It is further the policy of the court that the role of the bankruptcy clerk in preparing and mailing notices should be a limited one.

Service List

When requested in specific cases, the bankruptcy court will create and maintain a service list. A motion for inclusion on the service list is not a request to be included on the creditor matrix. All persons included on the service list are entitled to be served with all motions, applications, papers and notices (except proofs of claims and reaffirmation agreements) filed or issued in the case. In order to be included on a service list the movant must serve the request on all creditors and parties in interest and provide a proof of such service. Please refer to N.D. Ind. L.B.R. B-913.3 for the specific requirements concerning the service list.

Submission of Proposed Orders and Notices

Any application, motion or other request for relief should be accompanied by a proposed form of order. Unless the request is one which can be granted without notice, a proposed notice to creditors should also be submitted with the request. [N.D. Ind. L.R.B. B-913.1(d)]. Handwritten orders will not be accepted.

The caption of any Notice to All Creditors must include the address, any aka or dba and the social security number of the debtor in the caption. Where applicable, the proposed notice submitted by counsel should contain an "objection statement" similar to the following after the objection deadline in the notice: "Any objection filed should include a request for an evidentiary hearing or oral argument, if desired, and the estimated time needed." See N.D. Ind. L.B.R. B-707.2.

Bankruptcy Case Requirements

All Chapter Filing Requirements

Complete Case Filing Requirements

For a complete filing of a bankruptcy case, a number of documents are required at the time of filing. It is possible to commence a case with less than all the required papers. A minimum requirements filing generally occurs only in an emergency situation. Abbreviated filings should not be used as a matter of course. The required documents include:

Voluntary Petition (or Involuntary Petition, as appropriate for the chapter). Exhibit A must be completed where appropriate for the case. [11 U.S.C. 301, 302 or 303 and Official Forms 1 or 5].

Corporate resolution, if debtor is a corporation.

Statement of Financial Affairs. [11 U.S.C. 521(1), Fed. R. Bankr. P. 1007(b)(1) and Official Form 7].

Summary of Schedules and Schedules A through J. [11 U.S.C. 521(a), Fed. R. Bankr. P. 1007(b)(1) and Official Form 6].

Notice to Individual Consumer Debtor(s), where applicable. [Form B-210].

Disclosure of Compensation, where applicable. [Fed. R. Bankr. P. 2016(b)].

Certification and Signature of Non-Attorney Bankruptcy Petition Preparer, where applicable. [11 U.S.C. 110, Official Form 19].

Verified master list (matrix) of creditors. [Fed. R. Bankr. P. 1007(a) and N.D. Ind. L..B.R. B-107.1].

Chapter 12 or 13 Plan (chapter 12 or 13 cases only). [Fed. R. Bankr. P. 3015].

List of 20 Largest Unsecured Creditors (with dollar amount of debts) in chapter 9 or 11 cases. [Fed. R. Bankr. P. 1007(d) and Official Form 4].

Payment of requisite fees. [28 U.S.C. 1930].

Case Filing Fees

The fees required to be paid at the commencement of a bankruptcy case are as follows. The fees listed on this table were current as of the date this handbook was prepared. However, these fees are subject to change. It is your responsibility to verify the current fees.

Chapter	Fee	Amount	Total Needed to File case
7	Filing fee	\$ 130.00	
	Trustee fee surcharge	\$ 15.00	
	Miscellaneous administrative fee	\$ 30.00	\$ 175.00
9	Filing fee	\$ 300.00	\$ 300.00
11	Filing fee for all debtors except railroads	\$ 800.00	\$ 800.00
	Filing fee for railroad debtors	\$ 1,000.00	\$ 1,000.00
12	Filing fee	\$ 200.00	\$ 200.00
13	Filing fee	\$ 130.00	
	Miscellaneous administrative fee	\$ 30.00	\$ 160.00

The trustee fee surcharge applies to all chapter 7 cases filed and all cases converted to chapter 7 on and after October 22, 1995.

Installment Payment of Filing Fees

The required filing fees may be paid in installments only in certain situations. Only individuals are eligible to pay in installments. In order for an individual debtor to pay filing fees in installments, an Application to Pay Fees in Installments must be filed at the time the case is commenced. The application is required to state the proposed terms of the installment payments, and that the applicant has neither paid any money nor transferred any money to an attorney for services in connection with the case. The installments number of installments cannot be greater than four (4). The last installment payment must be made no later than 120 days after the filing of the petition. Non-individual debtors such as corporations, partnerships and municipalities are not eligible to pay filing fees in installments. The application to pay in installments should contain a statement regarding dismissal of the case if payments are not timely similar to the following: "Failure to pay the required installments as set out above will result in the dismissal of this case without further notice or hearing."

Minimum Case Filing Requirements

A minimum requirements filing generally occurs only in emergency situations. Abbreviated filings should not be used as a matter of course. All required documents and information is necessary for the proper processing and administration of each bankruptcy case. The following list contains the minimum requirements for the commencement of a bankruptcy case. [N.D. Ind. L.B.R. B-102].

Voluntary Petition (or Involuntary Petition, as appropriate for the chapter). Exhibit A must be completed where appropriate for the case.

Master list (matrix) of creditors.

List of 20 Largest Unsecured Creditors, where applicable.

Payment of requisite fees.

Remaining documents are to be filed within 15 calendar days. [Fed. R. Bankr. P. 1007(c)].

Number of Copies

The following list indicates the number of copies you should prepare in order to receive one copy back when filed. One less copy will be needed if you do not want to receive a file-marked copy. When filing by mail, you must include a self-addressed envelope of sufficient size with proper postage attached in order for your file-marked copy to be returned by mail. [N.D. Ind. L.B.R. B-505.2(e)].

Chapter 7 Original + 3 copies

Chapter 9 Original + 6 copies

Chapter 11 (individuals) Original + 5 copies

Chapter 11 (corporations) Original + 6 copies

Chapter 11 (railroads) Original + 8 copies

Chapter 12 Original + 3 copies

Chapter 13 Original + 3 copies

For cases handled by the Fort Wayne clerk's office submit an original and 4 copies.

All copies provided must be legible. [Fed. R. Bankr. P. 9004(a)]

Order of Documents

The following documents should be grouped together as a set. The original documents should all be in the same set. The order from top to bottom of each set is as follows:

Petition (voluntary or involuntary)

Signature page (where applicable, with Exhibit A)

Statement of Financial Affairs

Summary of Schedules

Schedules in alphabetical order, with signature

Each of the following documents should be grouped separately. The original document and all copies should be clipped together.

Disclosure of Fees Statement of Attorney Compensation

Notice to Individual Consumer Debtors (consumer cases only)

Statement of Intent (chapter 7 cases only)

Chapter 12 or 13 Plan (chapter 12 or 13 cases only)

List of 20 Largest Unsecured Creditors (chapter 9 and 11 cases only)

In Chapter 13 cases filed in the Hammond Division at Gary, one additional fee disclosure is required.

Chapter 11 Additional Requirements

In addition to the general requirements for filings under all chapters, Chapter 11 debtors are required to file Monthly Operating Reports with the Bankruptcy Court. The reports should be filed in triplicate. One file-marked copy will be retained by the court; one file-marked copy will be forwarded to the Office of the United States Trustee; the third copy will be returned to the debtor. When submitted by mail the third copy will be returned only if a self-addressed stamped envelope is provided. Some Chapter 11 cases may also require service of these reports upon the chairman of the Unsecured Creditors' Committee and the counsel for the Committee. The monthly operating report form must comply with the Debtor-in-Possession Operating Order and the United States Trustee Operating Guidelines. Copies of the reporting form are available from the Office of the United States Trustee.

Adversary Proceeding Requirements

Adversary Proceeding Captions

Although each adversary proceeding is referred to by its own distinct number, an adversary proceeding is always commenced within the framework of an underlying bankruptcy main case. Consequently the caption of all adversary proceedings is required to contain a reference to both the underlying bankruptcy case number as well as the adversary proceeding number. [Official Form 16C].

Requirements for Filing a Complaint

An original of the complaint, plus one copy for the court must be submitted. Any additional copies will be file-marked and returned to you. The complaint must be signed by the attorney of record.

Adversary Proceeding Cover Sheet [Form B-104, Fed. R. Bankr. P. 9009] which must be completely and accurately filled out. The cover sheet must be signed by the attorney of record. Blank cover sheet forms are available from the office of the bankruptcy clerk.

Summons in an Adversary Proceeding [Form B 250A] for proceedings assigned to Judges Lindquist, Dees and Grant. Use a Summons and Notice of Pretrial Conference in an Adversary Proceeding [Form B 250B] for all proceedings other than dischargeability assigned to Judge Rodibaugh. Use form B250A for dischargeability complaints assigned to Judge Rodibaugh. An original of the summons is needed on complaints other than dischargeability. The summons must be filled out by the party filing the adversary proceeding. Blank summons forms are available at the office of the bankruptcy clerk.

\$120.00 filing fee. [Jud. Conf. Bankruptcy Fee Schedule Item (6) and 28 U.S.C. 1914(a)]. Where the debtor is the plaintiff, there is no filing fee. A debtor in possession must pay the filing fee.

Part VII of the Federal Rules of Bankruptcy Procedure deals with adversary proceedings. You should refer to these rules for specific information as to what constitutes an adversary proceeding, time limits, service requirements, etc. The Federal Rules of Bankruptcy Procedure, and the corresponding Federal Rules of Civil Procedure where referenced, provide a great deal of guidance with respect to adversary proceedings.

Requirements for Removal From State Court

The determination of a cause of action removed to the bankruptcy court is an adversary proceeding. [Fed. R. Bankr. P. 7001(10)]. An application for removal must be filed with the clerk of the bankruptcy court. It will receive an adversary proceeding number. In some instances the clerk's office will be required to collect an adversary filing fee at the time the request for removal is filed. To request the removal of an action the following should be filed.

Application for Removal Original + 1 copy

Adversary Cover Sheet Original

Filing Fee \$ 120.00

Fed. R. Bankr. P. 9027 and N.D. Ind. L.B.R. B-927 deal with removals. You should consult these rules for information as to the form, content, time limits, bond requirements and other matters pertaining to removals.

Withdrawal of Reference

All motions to withdraw reference and supporting documents are filed with the clerk of the bankruptcy court. There is a \$60 fee for this motion. [Jud. Conf. Bankruptcy Fee Schedule Item (21)]. Responses to the motion must be filed within 15 days. Any reply is due 7 days after the filing of a response. After the time for filing briefs expires, the matter will be transmitted to the district court by the bankruptcy clerk. The bankruptcy judge may, but is not required to, make a written recommendation concerning the removal of the matter. [N.D. Ind. L.R. 200.1(b)(1)].

Post Judgment Matters

Writ of Execution

The following documents are required to obtain a writ of execution:

Writ of Execution to the United States Marshal [form B 264] Original

Præcipe Original + 1 copy

Certified copy of Judgment One

Process Receipt and Return [form USM-285] (This is a multi-part carbon set.) One

A fee is charged for the certification of documents by the clerk's office. As of the date this handbook is written, the certification fee is \$5.00 [Jud. Conf. Bankruptcy Fee Schedule Item (2)]. This fee is subject to change.

Registration of a Foreign Judgment in Our Court

The registration of a judgment obtained in another court with the bankruptcy court for this district requires the following documents. The filing fee is specified in Item (7) of the Judicial Conference Bankruptcy Fee Schedule. The fee covers the indexing of papers in a case where no filing fee has been paid in this district. This fee is subject to change.

Certified copy of the judgment from the other court One

Certification of Judgment for Registration in another district [form B 265] One

Filing Fee \$ 20.00

Claim Filing Requirements

File in Triplicate

A proof of claim should be filed in triplicate. One copy will be retained by the court as part of the official record in the case. One copy will be sent to the trustee serving in the case, or to the attorney for debtor, as appropriate in the case. The third copy will be file marked and returned to the party submitting the claim. For claims filed by mail, the third copy will be returned to the party submitting it only where a self-addressed stamped envelope has been provided. Claims should be filed within the time limits specified by the court. The presentation of a fraudulent claim is a felony which is punishable by a fine of not more than \$2,000 or imprisonment for not more than five years, or both. [18 U.S.C. 152, see also 18 U.S.C. 3571].

Proof of Claim Forms

The proof of claim form is available from the clerk's office. All proofs are required to substantially conform to Official Form 10. [Fed. R. Bankr. P. 3001(a)].

Appeals

Appeals of a final order or final judgment entered by a bankruptcy judge are taken to the district court for the Northern District of Indiana. The Seventh Circuit does not have a Bankruptcy Appellate Panel at this time.

The following items are to be filed with the clerk of the bankruptcy court. After the record has been transmitted to the district court all subsequent filings are with the clerk of the district court.

Notice of Appeal [Fed. R. Bankr. P. 8002, Official Form 17].

Civil Cover Sheet [form JS 44, see Fed. R. Bankr. P. 9009].

\$5.00 filing fee plus a \$100.00 docketing fee [28 U.S.C. 1930(c) and Jud. Conf. Bankruptcy Fee Schedule Item (16)]. These fees are subject to change.

At the time of filing the notice of appeal, or within ten (10) days thereafter, the appellant is required to file a designation of the items to be included in the record on appeal. [Fed. R. Bankr. P. 8006]. It is suggested that you request a copy of the case docket sheet at the time you file your notice of appeal. A copy of the docket will assist you in making your designation of record. The cost for copies, as of the date of this handbook, is 50 per page. This fee is subject to change. Do not designate entire case files. Only those items which pertain to the appeal should be designated to be included in the record on appeal. It is the responsibility of the appellant to supply the copies of the designated record. If you fail to supply copies, the clerk's office will make copies, at your expense, for a cost of 50 per page.

Within ten (10) days after the service of the statement of the appellant, the appellee may file and serve on the appellant a designation of additional items to be included in the record on appeal. [Fed. R. Bankr. P. 8006]. It is the responsibility of the appellee to supply the copies of the designated record. If you fail to supply copies, the clerk's office will make copies, at your expense, for a cost of 50 per page.

When the record on appeal is complete the bankruptcy clerk will transmit it to the clerk of the district court. [Fed. R. Bankr. P. 8007(b)]. The party designating items for inclusion in the record on appeal may be required to make advance payment for costs of making copies of the designated portions of the record for inclusion in the appeal and for the cost of any designated transcripts.

Miscellaneous Matters

Signatures

The debtor or debtor in possession must sign the petition and verifications exactly as the case is styled. For example, if the debtor is "Richard Peter Roe" the debtor should sign as "Richard Peter Roe" and not as "Dick Roe." "Catherine Jane Smith" should sign using her full name, and not as "Cathy J. Smith."

Every pleading and other paper filed must bear an original signature of the attorney of record. Copies may be photocopied or may be conformed. All pleadings and other papers must list the office address and telephone number of the attorney of record. If a party is not represented by an attorney, the party must sign all papers and state the party's address and telephone number. [Fed. R. Bankr. P. 9011].

Cover Sheets

Adversary Proceeding [form B 104, see Fed. R. Bankr. P. 9009]

This form contains much of the basic information needed by the clerk's office to properly set up its adversary docket sheets, and to prepare necessary indices and statistical records. All the information requested by this form is needed to insure that court records are complete and accurate. A separate cover sheet must be submitted for each complaint filed. The form must be signed by the attorney of record, or in a pro se proceeding, by the debtor. It is filed along with the complaint at the beginning of an adversary proceeding.

Bankruptcy Appeals [Civil Cover Sheet form JS 44, see Fed. R. Bankr. P. 9009]

This form is required for the use of the clerk's office to properly set up its civil docket sheets, and to prepare necessary district court indices and statistical records for bankruptcy appeals. All the information requested by this form is needed to insure that court records are complete and accurate.

The form must be completed and signed by the attorney of record, or in a pro se proceeding, by the debtor. It is filed along with the notice of appeal.

Subpoenas

There are several variations of the subpoena form for use in different circumstances. Subpoenas are governed by Fed. R. Civ. P. 45, which is made applicable in bankruptcy proceedings by Fed. R. Bankr. P. 9016. Form B 255 is the subpoena used in adversary proceedings. Form B 256 is the subpoena form used in a case under the bankruptcy code. Subpoena forms are available from the office of the bankruptcy clerk.

Attorney Admission to Practice

The rules for the admission to practice before the bankruptcy court for this district are the same as for admission to practice before the district court for this district. Attorneys admitted to practice in any other United States court or the highest court of any state may apply for leave to appear in a specific action pro hac vice [N.D. Ind. L.B.R. 83.5]. Admission to practice before the district court constitutes admission to practice before the bankruptcy court. [N.D. Ind. L.B.R. B-910.1]. The bankruptcy court does not maintain a separate roll of attorneys. All attorney admission records for this district are kept by the district court.

Appearances

In all proceedings and matters before the court, only individuals may appear and represent themselves. Any other entity, such as corporations, partnerships, unincorporated associations and governmental units, must be represented by an attorney admitted to practice in this district. However, for purposes of filing a proof of claim or participation at a meeting of creditors pursuant to 341 of Title 11, appearance need not be by an attorney. [N.D. Ind. L.B.R. B-910.1(h)]. Paraprofessionals may not appear at a 341 meeting on behalf of a debtor. Paraprofessionals may appear and question a debtor on behalf of a creditor at a 341 meeting [N.D. Ind. L.B.R. B-910.1(l)].

All papers filed must clearly identify the name and address of the individual or attorney filing the paper. [Fed. R. Bankr. P. 9011(a) and N.D. Ind. L.B.R. B-911]. Unless the party filing the paper is the debtor, the trustee assigned to the case, or plaintiff in an adversary proceeding, a formal written appearance must be filed. [N.D. Ind. L.B.R. B-910.2(a)].

Withdrawal of Appearance

Any withdrawal of an appearance in the main bankruptcy case will not constitute withdrawal in all adversary proceedings. Any withdrawal of an appearance in an adversary proceeding will not constitute withdrawal in the main bankruptcy case. [N.D. Ind. L.B.R. B-910.2(f)].

Changes of Address

Whenever the address of the debtor changes, the debtor or the debtor's attorney should notify the court and the trustee assigned to the case of the new address. Likewise, a change of address for a creditor should be supplied by the creditor or creditor's attorney. To guarantee accurate information is included in the official records maintained by the clerk's office, all notifications of address changes must be in writing. Oral changes of address will not be taken.

Lists of Creditors

Matrix Format Requirements

N.D. Ind. L.B.R. B-107.1(b) requires the matrix listing of creditors to be in a particular format. The format requirements are necessitated by the automated case processing equipment used by the court. The matrix list must be in a single column on the page. The typeface or print style must be Courier 10 pitch, Prestige Elite or Letter Gothic. Proportionally spaced typefaces or fonts cannot be used. There should be no more than nine (9) addresses per page. The first line of typing can be no closer than 1" (6 lines) from the top of the page. The last line of typing on the page can be no closer than 1" (6 lines) from the bottom of the page.

Each address can be no more than five (5) lines. There should be no blank lines within the address block. Each line can be no more than 40 characters in length (including all spaces and punctuation). Type all addresses using UPPER CASE rather than Upper and Lower Case. The first line of the address is used for the name. The second line lists the street address. Use the third line to list post office box numbers. Use the fourth or last line to list the city, state and ZIP code. DO NOT include postnet (bar) codes on the matrix. The matrix list must be accompanied by a verification. [N.D. Ind. L.B.R. B-107.1(b)].

Common Errors to Avoid

There are several errors and mistakes in documents submitted to the clerk's office that can prevent or cause delays in processing the case. Some of the more common errors are described below. Your assistance in avoiding these problems will assist the clerk's office in handling your matter. The clerk's office appreciates your attention to these details.

Voluntary Petition [Official Form 1]

It is very important that this form be completely and accurately filled out. The failure to supply all information required by the form prevents the clerk's office from properly handling your case.

In particular, the clerk's office has found the following areas frequently have incomplete or inaccurate information. The "Information Regarding Debtor" section at the middle of the page is often not completed. Where the debtor is a business, part "A" (Type of Business) must have the proper box marked and part "B" (brief description of the nature of the business) must also be completed for every business debtor.

The information needed to complete the bottom portion of the form (everything in the Statistical/Administrative Information box) is often overlooked. The debtor must provide an estimate for the number of creditors, dollar amount of assets and dollar amount of liabilities. The appropriate boxes should be checked. For all chapter 11 and 12 cases the number of employees and equity security holders must be listed.

Adversary Proceeding Cover Sheet [form B-104]

It is very important that this form be completely and accurately completed. The failure to supply all information required by the form prevents the clerk's office from properly handling your proceeding.

The way in which the Plaintiffs and Defendants are listed at the top of the form must conform exactly to the way these parties are listed on the complaint. The clerk's office routinely has parties listed on the Cover Sheet differently than what is shown on the complaint. The information on the Cover Sheet is used to maintain our automated case processing system. Without complete and accurate information your proceeding records will be inaccurate or incomplete.

Where the attorney for defendant is known, the attorney should be listed on the Cover Sheet. The clerk's office finds that counsel for a defendant is often omitted even where the suit is against a debtor represented by an attorney. Remember, the adversary proceeding is separate from the underlying bankruptcy case. All information in the bankruptcy case is not automatically included in

adversary proceeding records. Unless you clearly list relevant information on the cover sheet, the processing of your adversary proceeding will be delayed.

Other areas causing problems are the "Cause of Action" and "Nature of Suit" sections. The information in these two sections is related. However, it is not unusual for the "Cause of Action" to state "Objection to discharge" and the "Nature of Suit" to have box "426" (dischargeability) marked. An objection to discharge is not the same as an action to determine the dischargeability of a particular debt. The Cause of Action must agree with the Nature of Suit.

The response given in the "Cause of Action" section should list all grounds for relief. However, only one box in the "Nature of Suit" section should be checked. The cause of action should agree with the nature of suit. If several causes of action (grounds for relief) are contained in a complaint, check only the primary cause box in the Nature of Suit section.

Another place where errors and omissions commonly occur is in connection with the information required at the bottom of the page. All the information below the heading "Bankruptcy Case In Which This Adversary Proceeding Arises" is necessary. You must include the case number and other information called for. It is important to recall that the adversary proceeding and the bankruptcy case are two separate files. Be sure to list the correct case numbers. This information permits court records to show a connection between the adversary proceeding and main bankruptcy case.

Likewise, the information called for in the "Related Adversary Proceeding" section is also necessary, but often omitted. Although each adversary proceeding is separate, there may be some connection between proceedings. This section is the proper place to list this information.

Creditor Matrix [the List of Creditors]

The clerk's office utilizes an optical character reader (OCR) and related computer software to record creditor information for each case. In order for creditor information to be properly entered into the computer system the court has established guidelines for the matrix. If a creditor matrix cannot be read by the OCR equipment, creditor information will not be included in the computer record. This will result in incomplete or inaccurate notices. Common sources of errors include the following.

When typing the number "1" (one) a lower case "l" should not be used. The OCR system reads lower case "l" as being a different character than a number "1." This results in inaccurate addresses. A similar comment applies to the number "0" (zero). An upper case letter "O" should not be used. Do not use a "/" (slashed zero) in place of a zero.

Proportionally spaced typefaces, or fonts, cannot be used. Only monospaced typefaces or fonts are acceptable. These typefaces or fonts include Courier 10, Prestige Elite and Letter Gothic. Only these fonts or typefaces should be used. When other fonts or typefaces are used they cannot be accurately read by the OCR system used by the court.

There must be at least a one inch (1") blank margin at both the top and bottom of the matrix page. Names and addresses which are typed closer than one inch (1") to the top or bottom of the page cannot be accurately read by the OCR equipment.

There can be no more than nine (9) addresses per page. Please do not try to squeeze more than nine addresses on a page.

Each address can be no longer than five (5) lines. Each line of the address can be no longer than forty (40) characters. All characters (letters and numbers), spaces and punctuation marks are counted. The total of all these elements cannot exceed 40 for each line. There should be no blank lines within any address block. Type name and addresses using all upper case.

The addresses must be in a single column on the page. The OCR equipment used by the court cannot read multiple columns on a page. An example of a proper matrix page is attached as an exhibit to this handbook.

The matrix must be an original document. Photocopies, carbons or fax copies cannot be properly read by the OCR equipment. Use plain white paper only. Do not use office letterhead. There should be no marks, lines, 'white-out' or other extraneous marks on the page. The use of letterhead, or pages which have 'white-out' or any extra markings other than names and addresses prevents accurate reading by court OCR equipment.

Where there are several debts with the same creditor, the creditor should be listed only once on the Schedules. The creditor should also be listed only once on the matrix. Each name listed on the matrix will receive a notice. If the same creditor is listed three times, that creditor will receive three notices.

Your attention to eliminating these problems will facilitate the processing of your case. The clerk's office is better able to serve you when these rules are observed.

Notice of Amendment

Whenever there is an amendment to the petition, a list, schedules or statements, the local rules of this court require a separate notice of amendment. The notice of amendment must identify the document amended, the purpose of the amendment and any entity affected by the amendment. The amended documents and the notice of amendment are required to be served upon certain parties with a certificate of service filed with the court. [See N.D. Ind. L.B.R. B-109].

Certificate of Service

A certificate of service is required for any pleading, objection, motion or other paper. If a certificate of service is not filed, the court may take no action with regard to the matter. In addition, the court may strike the document where there is no certificate of service. [See N.D. Ind. L.B.R. B-913.5].

Self-Addressed, Stamped Envelopes

If you file any document by mail and want to receive a file-marked copy back by mail, you must provide a self-addressed envelope of adequate size with proper postage attached. If you do not provide an envelope, documents will not be returned by mail. [N.D. Ind. L.B.R. B-505.2(e)].

Automatic Stay

If you want a Notice of Automatic Stay issued at the time you file your case, you will save time if you provide two copies of the notice.

Section 341 Meetings of Creditors

Section 343 of the Bankruptcy Code requires the debtor(s) in all bankruptcy cases to personally appear at the section 341 meeting of creditors that is held in all cases. At this meeting creditors, indenture trustees, and case trustee or the United States Trustee may examine the debtor(s) under penalty of perjury. The meeting permits the trustee or representative of the United States Trustee's Office to review the debtor's petition and schedules with the debtor fact-to-face. Questions may be asked concerning the debtor's acts, conduct, property, liabilities, financial condition and any other matter that may affect the administration of the estate or the debtor's right to discharge. The meeting of creditors is usually scheduled between 20 and 60 days after the filing of the case.

The meeting of creditors in Chapter 7 (liquidation) cases are conducted by Panel trustees appointed and supervised by the United States Trustee. The meetings of creditors in Chapter 12 (family farmer debt adjustment) and Chapter 13 (individual debt adjustment) are conducted by Standing Trustees appointed and supervised by the United States Trustee. In Chapter 11 (individual and business reorganization) cases, the 341 meetings are conducted by United States Trustee staff. The bankruptcy judge cannot preside at or attend the meeting of creditors.

While creditors frequently do not appear at this meeting, in general they are not considered to have waived any of their rights by failing to appear. If the debtor fails to appear and provide the information requested at the meeting, the trustee or representative of the United States Trustee's Office may request that the bankruptcy case be dismissed or that the debtor be ordered to cooperate or be held in contempt of court for willful failure to cooperate.

Fort Wayne Division section 341 meetings

The meeting of creditors pursuant to section 341 of Title 11, United States Code, in the Fort Wayne Division is held at the Fourth Floor, 100 West Columbia Street, The Landing, Fort Wayne, Indiana.

Approaching from the north or south, follow U.S. 27/U.S. 33 into downtown Fort Wayne. Approaching from the west, follow State Road 14 (Illinois Road) into downtown Fort Wayne. Approaching from the east, follow U.S. 30/U.S. 24 into downtown Fort Wayne.

South Bend Division section 341 meetings

The meeting of creditors pursuant to section 341 of Title 11, United States Code, in the South Bend Division is held at One Michiana Square, 100 East Wayne Street, South Bend, Indiana.

Approaching from the north or south, follow U.S. 31 Business/U.S. 33 into downtown South Bend. Approaching from the east, follow U.S. 20 into downtown South Bend. Coming from the west, use Indiana State Road 2 into downtown South Bend.

Hammond Division at Lafayette section 341 meetings

The meeting of creditors pursuant to section 341 of Title 11, United States Code, in the Hammond Division at Lafayette is held in the Charles Halleck Federal Building, 232 North Fourth Street, Lafayette, Indiana.

Approaching from the north or south, follow Interstate 65 into Lafayette. Approaching from the east, follow State Road 25 or State Road 26 into Lafayette. Coming from the west, use U.S. 52 into Lafayette.

Hammond Division at Gary section 341 meetings

The meeting of creditors pursuant to section 341 of Title 11, United States Code, in the Hammond Division at Gary is held in the Federal Building, 610 Connecticut Street, Gary, Indiana.

Approaching from the south, follow State Road 53 (Broadway) into downtown Gary. Using from the Indiana Toll Road (approaching from the north), take the Broadway exit south into downtown Gary. Approaching from the east or west, follow U.S. 20 into downtown Gary.